

Notice of Allowability

Application No.

10/807,650

Examiner

Michael M. Thompson

Applicant(s)

WANTINK, KENNETH L.

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-12-2004.
2. ☒ The allowed claim(s) is/are 32-33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Terminal Disclaimer

1. The terminal disclaimer filed on 11-12-2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent No. 6,746,423 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 32-33 are allowed.

3. The following is an examiner's statement of reasons for allowance: It appears that the prior art of record fails to teach or render obvious a balloon catheter comprising, *inter alia*, an elongated shaft having an inflation lumen, a guidewire lumen, a proximal shaft section which defines a proximal portion of the inflation lumen and which comprises a tubular member and a distal shaft section which defines a distal portion of the inflation lumen in fluid communication with the proximal portion of the inflation lumen, the distal shaft section comprising a first distal outer tubular member having a proximal end secured to the distal end of the proximal shaft section tubular member, a second distal outer tubular member having a proximal end secured to a distal end of the first distal outer tubular member and an inner tubular member disposed within the first and second distal outer tubular members and defining a guidewire lumen, the guidewire lumen having a guidewire proximal port formed by a side opening extending through a sidewall of the outer tubular member with a section of the inner tubular member in the side opening and fused to the sidewall of the outer tubular member, and the second distal outer tubular member having an inner surface which extends around a circumference of the second distal outer tubular member and which is spaced apart from the outer surface of the inner tubular member so that the inflation lumen in the second distal outer tubular member has an annular shape around the outer

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surface of the inner tubular member, and a portion of the first distal outer tubular member being fused to an outer surface of the inner tubular member, the portion extending from the proximal end of the inner tubular member to a location proximal to the second distal outer tubular member and an inflatable balloon on the distal shaft section having a proximal end secured to the distal end of the second distal outer tubular member, a distal end secured to the inner tubular member, and an interior in fluid communication with the inflation lumen.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (571) 272-4968. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Nick Lucchesi, can be reached on (571) 272-4977. The official fax phone number for all submissions to the organization where this application or proceeding is assigned is (703) 872-9306.

Michael M. Thompson
Patent Examiner

MT
November 21, 2004


NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER